

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 4350 of 2017**

1. Pawan Kumar Patel S/o Late Shri Govardhan Prasad Patel Aged About 58 Years Presently Posted As Accountant, O/o Assitant Commissioner, Tribal Welfare Department, Raigarh, District Raigarh, Chhattisgarh
2. Yugal Kishore Panda S/o Late Shri S.N.Panda Aged About 59 Years Presently Posted As Accountant, O/o Assistant Commissioner, Tribal Welfare Department, Raigarh, District Raigarh, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Schedule Case And Scheduled Tribe Development Department, Indrawati Bhawan, Naya Raipur, Chhattisgarh
2. Commissioner, Schedule Caste And Scheduled Tribe Development Department, Indrawati Bhawan, Naya Raipur, Chhattisgarh
3. Assistant Commissioner, Schedule Caste And Scheduled Tribe Development Department, Raigarh, District Raigarh, Chhattisgarh

**---- Respondents**

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|----------------|---|------------------------------------|
| For Petitioner | : | Shri Amrito Das, Advocate          |
| For State      | : | Shri D.R. Minj, Dy. Govt. Advocate |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**31/08/2017**

Heard.

1. The grievance raised by the petitioners in this petition relates to non-consideration of their cases for promotion to the next higher post of Junior Accounts Officer. It is submitted that as many as 40 vacancies of Junior Accounts Officer are available for being filled up by way of promotion from feeder post of Accountant in the State.
2. Learned counsel for the petitioners submits that the petitioners are very senior Accountants in the State working in the offices and they are well within the zone of consideration.
3. The vacancy of Junior Accounts Officer lying all over the State are required

to be filled up in accordance with the statutory mandate of the Chhattisgarh Public Services (Promotion) Rules, 2003 (in short “the *Rules of 2003*”), which clearly provides that DPC shall be positively held every year.

4. Rule 6 (4) of the Rules of 2003 is relevant and is reproduced herein-below:

“6(4) The meeting of the Departmental Promotion Committee shall be held every year. It shall consider the suitability of the public servants for promotion separately with reference to the vacancies of each year starting with the earliest year onwards. The Departmental Promotion Committee shall consider the suitability of the public servants for promotion to fill up the unfilled vacancies of the earlier year or years separately and prepare the select list for the relevant year accordingly. Thereafter, the Departmental Promotion Committee shall consider the suitability of the public servants for promotion to fill up the existing and anticipated vacancies of the current year.”

5. Therefore, the respondents are directed to convene DPC in the year 2017 itself to fill up the vacancy. Though it has been submitted by the petitioners that there are 40 vacancies available, respondents shall verify and identify total number of vacancy available and then proceed to consider eligible officers for promotion in accordance with the Rules of 2003.
6. The petition is accordingly finally disposed off.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge